

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

A.E.,

Petitioner,

v.

TONYA ANDREWS, et al.,

Respondents.

No. 1:25-cv-00107-SKO (HC)

**ORDER DIRECTING RESPONDENT TO
FILE RESPONSE TO PETITION**

[45-DAY DEADLINE]

Petitioner has filed a petition for writ of habeas corpus challenging his indefinite detention by the United States Bureau of Immigration and Customs Enforcement (“ICE”).

According to the petition, Petitioner is a Russian citizen who was paroled into the United States in October of 2022 while he and his family pursued asylum. On September 22, 2023, ICE revoked Petitioner’s parole and took Petitioner into custody. He has been continuously detained since then.

Petitioner contends that his prolonged detention, without a bond hearing before an immigration judge to determine whether his detention serves a valid purpose, has become unreasonable and unjustified. He claims his indefinite and prolonged detention violates his rights under the Due Process Clause of the Fifth Amendment to the United States Constitution. Because Petitioner may be entitled to relief if the claimed violations are proved, Respondent will be directed to file a Response.

Accordingly, it is HEREBY ORDERED:

1. Respondent is DIRECTED to file a Response to the Petition within FORTY-FIVE (45) days of the date of service of this order. Rule 4, Rules Governing Section 2254 Cases; see Rule 1(b), Rule 11, Rules Governing Section 2254 Cases; Fed. R. Civ. P. 81(a)(2). Respondent SHALL INCLUDE a copy of Petitioner's Alien File or any other documentation relevant to the determination of the issues raised in the Petition. Rule 5 of the Rules Governing Section 2254 Cases.
2. Petitioner may file a Traverse to the Response within THIRTY (30) days of the date the Response is filed with the Court.
3. In the event the Petitioner is released from ICE custody during the pendency of this Petition, the parties SHALL notify the Court by filing a Motion to Dismiss the Petition or other proper pleading.

The Court has determined that this matter is suitable for decision without oral argument pursuant to Local Rule 230(h). As such, the matter will be taken under submission following the filing of Petitioner's Traverse or the expiration of the time for filing the Traverse. All other briefing in this action is suspended.

IT IS SO ORDERED.

Dated: **February 3, 2025**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE